

FAX TRANSMISSION

SPECK & AANESTAD
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File: water Dist 34

To: Scott King, IDWR **Date:** July 21, 1998
Fax #: 1-208-327-7866 **Pages:** 4, including this cover sheet.
From: Randi Diem for Jim Speck
Subject: Aslett Ranches - Stoecklein

COMMENTS:

Dear Mr. King:

Enclosed you will find the correspondence to the attention of Mr. Norman Young regarding the above matter.

Sincerely,

SPECK & AANESTAD
A Professional Corporation



Randi S. Diem
Assistant to James P. Speck

rsd
enclosure

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
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July 8, 1998

Mr. Norman C. Young
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

34-00469
34-00471

Re: Aslett Ranches - David and Mary Stoecklein and Bar Horseshoe Cattle & Likestock Co.

Dear Norm:

I represent David and Mary Stoecklein and Bar Horseshoe Cattle & Likestock Company, an Idaho general partnership. In 1996, Aslett Ranches filed Application for Transfer of Water Right No. 4906 to change a portion of the place of use of a water right diverted from Warm Springs Creek from lands alongside the Creek to a 40 acre parcel purchased by Aslett Ranches from the BLM. The transfer was protested by my clients and others. Immediately prior to the hearing scheduled for September 16, 1997, Aslett Ranches withdrew its transfer application. Therefore, to our knowledge there is no water right appurtenant to the SW 1/4 NE 1/4, Section 1, Township 7 North, Range 22 East, B.M., Custer County, Idaho.

This matter was brought to the attention of Aslett Ranches' attorney last fall by my September 18, 1997 letter, a copy of which is enclosed. I've also enclosed a copy of Mr. Campbell's response. Aslett Ranches has ignored our request and resumed irrigation of these lands this summer. Therefore, my clients demand that this matter be immediately investigated and an appropriate order issued to enjoin any further illegal use of water on the Aslett Ranches' land.

Please contact me immediately if you have any questions about this matter. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:rsd
cc: clients

JUL-21-98 TUE 10:01

SPECK & AANESTAD

FAX NO. 2087260752

P. 03/04

SEP-18-97 THU 02:45 PM

ELAM BURKE

FAX NO. 20838 14

P. 02/02

ELAM & BURKE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE

SCOTT L. CAMPBELL

September 18, 1997

208-384-6544

SENT VIA FACSIMILE

James P. Speck
Hogue, Speck & Aanestad
PO Box 987
Ketchum, ID 83340

Re: Aslett Ranches Transfer No. 4906

Dear Jim:

Thank you for your correspondence of September 18, 1997 which I received by facsimile transmission today. I am sending a copy of your correspondence to my clients and will discuss with them the issues you have raised in your letter. I will attempt to provide you with a response on or before September 26, 1997.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:tmh G:\124\WFDATA\55240007.LTR

cc: Mr. Steve Aslett
Norman Semanko, Esq.
Karl Dreher, Director of IDWR

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
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FAX (208) 788-4230

September 18, 1997

VIA FACSIMILE - 1-208-384-5844
ORIGINAL TO FOLLOW BY MAILMr. Scott L. Campbell
Elam & Burke
Key Financial Center
702 West Idaho
P. O. Box 1539
Boise, ID 83701**Re: Aslett Ranches - Transfer No. 4906**34-00469
471

Dear Scott:

You clients have irrigated over the past few months, and continue to irrigate, those lands it acquired from the Bureau of Land Management (without any appurtenant water rights) to fill in the southeast corner of their pivot. These lands are the new place of use proposed by Transfer No. 4906 and perhaps the irrigation of the lands was done in anticipation of approval of the Transfer. Absent such approval or the proper transfer of some other valid water right to those lands, the irrigation of those lands is an illegal use of water as proscribed by I.C. § 42-351. Please confirm on or before September 26, 1997 that your clients will not irrigate those lands next year unless and until the transfer of a valid water right to those lands is approved by the Idaho Department of Water Resources ("IDWR"). If I do not timely receive this confirmation, IDWR will be requested to take appropriate action under I.C. § 42-351 to prevent a recurrence of this illegal use of water.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc: Clients
Norman Semanko, Esq.
Karl Dreher, Director of IDWR